

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

BMG RIGHTS MANAGEMENT (US)
LLC, and ROUND HILL MUSIC LP,

Plaintiffs.

v.

COX ENTERPRISES, INC., COX
COMMUNICATIONS, INC., and
COXCOM, LLC,

Defendants.

Civil No. 1:14-cv-1611

Hon. Liam O'Grady

ORDER

This matter comes before the Court on Plaintiffs' Emergency Motion to Strike Defendants' Memorandum in Support of Its Motion for Summary Judgment. (Dkt. No. 331). Plaintiffs contend defendants' memorandum (Dkt. No. 306) does not comply with Local Rule 7(F)(3)'s requirement that all briefs be double-spaced. Plaintiffs ask the Court to strike the memorandum or, alternatively, require defendants to file a rule-compliant version.

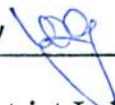
Local Rule 7(F)(3) requires that "[a]ll briefs, including footnotes, shall be written in 12 point Roman style or 10 pitch Courier style with one inch margins," and "[e]xcept for good cause shown in advance of filing, opening and responsive briefs . . . shall not exceed thirty (30) 8-1/2 inch x 11 inch pages double-spaced." The rule does not define "double-spaced." Defendants read the term literally and used 24-point spacing—exactly double the 12-point Roman font authorized by Rule 7—in their memorandum. Doing so allowed defendants to fit between 26 and 28 lines of text per page. Plaintiffs, on the other hand, read the rule to require

use of the “double-space” setting in their word processor—a setting that resulted in only 23 lines per page. This latter method is the standard practice in this district to the Court’s knowledge.

The parties’ differing interpretations of the rule resulted in defendants presenting approximately 1,300 more words to the Court than plaintiffs did. Although the Court finds defendants have sufficiently justified their use of 24-point spacing, in order to avoid any prejudice, it is hereby **ORDERED** that:

1. Defendants submit a revised version of their Memorandum in Support of Motion for Summary Judgment (Dkt. No. 306) that is double-spaced with not more than 23 lines per page by September 28, 2015.
2. Defendants’ revised memorandum may not include any new or additional argument. Any new language must be minimal and included solely for stylistic or transitional purposes.
3. All future submissions by the parties in this matter shall be double-spaced with not more than 23 lines per page.

September 24, 2015
Alexandria, Virginia

/s/ 

Liam O’Grady
United States District Judge